

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

COMPLAINT LOG NO
1078192

TYPE
CR

DATE OF REPORT (Day Mo Yr)
19 Dec 15

INSTRUCTIONS To be used in all cases that are to be classified as either **EXONERATED**, **UNFOUNDED**, **NOT SUSTAINED**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **FIVE (5) DAYS SUSPENSION**. SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED. SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: ☐ CHIEF ADMINISTRATOR,
INDEPENDENT POLICE REVIEW AUTHORITY ☒ CHIEF,
BUREAU OF INTERNAL AFFAIRS

FROM INVESTIGATOR'S NAME
Giglio, Robert

RANK
Sgt

STAR NO.
2263

EMPLOYEE NO
[REDACTED]

UNIT ASSIGN.
007

UNIT DETAINED

REFERENCE NOS (IF ALL RELATED C.I., C.B., I.R., INVENTORY NOS., ETC., PERTINENT TO THIS INVESTIGATION)

A.A.'s

ADDRESS OF INCIDENT
1438 W. 63rd St.

DATE OF INCIDENT - TIME
24 Nov 15 1630

BEAT OF INCIDENT
713

NAME	RANK	STAR NO.	EMPLOYEE NO	UNIT ASSIGN	UNIT DETAINED
1 Bongiovanni, Kelly	PO	19854	[REDACTED]	007	
2 Jawor, Jamie	PO	6740	[REDACTED]	007	
3					

ACCUSED

SEX/RACE	D.O.B.	DATE OF APPOINTMENT	DUTY STATUS (TIME OF INCIDENT)	SWORN	CIVILIAN
1 F/2	[REDACTED] Jun 83	27 Aug 07	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	<input checked="" type="checkbox"/> SWORN	<input type="checkbox"/> CIVILIAN
2 F/2	[REDACTED] Jul 78	27 Nov 06	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	<input checked="" type="checkbox"/> SWORN	<input type="checkbox"/> CIVILIAN
3			<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	<input type="checkbox"/> SWORN	<input type="checkbox"/> CIVILIAN

IF APPLIES, DATE ARRESTED/INDICTED	CHARGES	COURT BRANCH	DISPOSITION & DATE
1			
2			
3			

NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
Sgt. Ryan Brown #1836	1438 W. 63rd St., Chicago, IL			312-747-8220	M/2	[REDACTED] May 79 - 36

COMPLAINANT

NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE

VICTIMS

NAME	ADDRESS**	CITY	STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
PO Eric Wicencyjusz #19869	1438 W. 63rd St., Chicago, IL			312-747-8220	M/2	[REDACTED] Apr 88 - 27
PO Joseph Cabrera #12575	1438 W. 63rd St., Chicago, IL			312-747-8220	M/4	[REDACTED] Jun 82 - 33

WITNESSES

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

**IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATION: It is alleged that on 23 Nov 15 between 2300-2330 hours the accused officers failed to conduct a pre tour of duty inspection of the in car camera equipment of vehicle #8631, specifically the two in car camera microphones, as required by SO 03-C5, Section VI, Subsection A.1 a,b, and c

ALLEGATIONS

SUMMARY

Briefly summarize the investigation detailing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

INITIATION OF CR The complainant, Sgt Ryan Brown #1261, reports that on 24 Nov 15 at 1630 hours at the location of 1438 W 63rd St, witness officers PO Eric Wicencyjusc #19869 and PO Joseph Cabrera #12575 discovered the batteries for the two microphones for the in car camera for vehicle with outside number of 8631 were missing (att 1,3)

IDENTIFICATION OF ACCUSED Going back in time from the discovery of the missing batteries, A&A sheets and radio sign out logs indicate that the accused were the last members using said vehicle and responsible for inspecting the microphones for damage and ensuring their working order (att 5,6,7,8,9,10,11)

ALLEGATION It is alleged that on 23 Nov 15 between 2300-2330 hours the accused officers failed to conduct a pre tour of duty inspection of the in car camera equipment of vehicle #8631, specifically the two in car camera microphones, as required by SO 03-05, Section VI, Subsection A 1 a,b, and c

INSPECTION OF MICROPHONES: On 09 Dec 15 R/Sgt conducted an inspection of the interior of CPD vehicle 8631 and found neither microphone contained a battery as alleged (att 1,327). Microphone batteries were found in the glove box area (att 27) R/Sgt properly inserted a battery into both microphones, and secured the sliding plastic end caps of the batteries on both microphones (att 27). Both microphones appear to be in working order (att 27).

WITNESSES: Witness officers PO Eric Wicencyjusc #19869 and PO Joseph Cabrera #12575 were served Specific Questions to be Addressed forms and advised to submit To-From reports responding to same as witnesses (att 21,22,24). In their responses, both Wicencyjusc and Cabrera support the allegation stating that on 24 Nov 15 during a pre-tour vehicle inspection they found that both in car camera microphone were not functioning with batteries the missing (att 22,24). This is consistent with the allegations documented on the face sheet and initiation report (att 1,3,22,24).

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ATTACH- MENTS	INVESTIGATIVE REPORTS- SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS	INVESTIGATIVE REPORTS- SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS.	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE
	1,3,16,20,23,25	None	None	31

FINDINGS - RECOMMENDATIONS

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example. 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for --- days (not to exceed 5 days)

ALLEGATION: It is alleged that on 23 Nov 15 between 2300-2330 hours the accused officers failed to conduct a pre tour of duty inspection of the in car camera equipment of vehicle #8631, specifically the two in car camera microphones, as required by SO 03-05, Section VI, Subsection A.1 a,b, and c.

FINDINGS: Sustained (Both Accused) - the allegation is supported by substantial evidence.
Violation of Rule 13, Failure adequately to secure and care for Department property.
*Reference: SO 03-05, Section VI, Subsection A.1 a,b, and c.

RECOMMENDATION: Five (5) day suspension (both accused). Both accused members' complimentary and disciplinary records were considered.

ACCUSED:

P.O. Bongiovanni, Kelly #19854 Emp# [REDACTED]

P.O. Jawor, Jaime #6740 Emp# [REDACTED]

DATE INITIATED (Date complaint was received for investigation)

09 Dec 15

DATE COMPLETED (Date of this report)

19 Dec 15

ELAPSED TIME (Total time expressed in days)

10

Investigator will initiate the Command Channel Review form by completing the Investigator's Section

INVESTIGATOR'S SIGNATURE

IF NECESSARY USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM

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ACCUSED: Accused officers PO Kelly Bongiovanni #19854 and PO Jamie Jawor #6740 were served prepared *Notification of Charges/Allegations*, *Administrative Proceeding Rights*, and *Waiver of Counsel/Request to Secure Counsel* forms advising them in writing of the allegation against them (att 12,13,14,15,17,18,19). Both accused were advised to respond to the allegation in writing (att 12). Both accused responded substantially similar with each other (att 16,20). Both accused failed to offer any pertinent details regarding the actual pre-tour of duty vehicle inspection process involving the in car camera system that would indicate they performed a proper inspection (att 16,20). Neither accused offer any observations resulting from such an inspection, either positive or negative (att 16,20). During a pre-tour inspection of microphones, such actions as ensuring the microphones are powered up, are synchronized with the camera, and are securely attached to the member's person, are common practices that would be followed. Neither accused note the working order of the microphones, the synchronization of, or attempt to synchronize the microphones with in car camera system, nor document any attempt to secure the microphones on their person (att 16,20). Both accused, however, deny physically removing the batteries from the microphones (att 16,20). Accused Bongiovanni claims she "had no knowledge" of batteries being missing, while accused Jawor claims she was "unaware" of batteries being missing from the microphones (att 16,20). R/Sgt submits that an appropriate pre-tour of duty vehicle inspection would result in a level of knowledge and awareness higher than having "no knowledge" or being "unaware" (att 16,20).

FINDINGS: R/Sgt took into consideration the allegation as documented on the face sheet and initiation report, R/Sgt's personal observations, and review of witness officer's witness reports (att 1,3,16,20,23,25,27). Weighing that against both accused responses, R/Sgt finds that there is substantial evidence to support that on 23 Nov 15 between 2300-2330 hours at the location of 1438 W. 63rd St., the accused failed to conduct a proper pre-tour of duty inspection of CPD vehicle #8631 of the in car camera microphones as alleged. Both accused are in violation of SO 03-05 VI.A.1.a,b, and c regarding "operational procedures" of *In Car Video Systems*. This allegation will be sustained as a result.

EVIDENCE
Complaint Log Investigation #1078192

Attachment	Description
1)	Face Sheet
2)	To-From Report RE: Signed Affidavit Exception
3)	Initiation Report
4)	Notification RE: Automated Complaint RE: Investigator
5)	To-From Report RE: Identification of Accused
6)	A&A Sheets, 007 th District, 24 Nov 15, 2 nd Watch
7)	A&A Sheets, 007 th District, 24 Nov 15, 1st Watch
8)	Radio Sign Out Sheets, 007 th District, 24 Nov 15, 2 nd Watch
9)	Radio Sign Out Sheets, 007 th District, 24 Nov 15, 1st Watch
10)	Notification RE: Automated Complaint RE: Accused Bongiovanni
11)	Notification RE: Automated Complaint RE: Accused Jawor
12)	To-From Report RE: Serve Accused
13)	Notification of Charges/Allegations – Bongiovanni
14)	Administrative Proceeding Rights – Bongiovanni
15)	Waiver of Counsel/Request to Secure Counsel – Bongiovanni
16)	To-From Report RE: Bongiovanni Response
17)	Notification of Charges/Allegations – Jawor
18)	Administrative Proceeding Rights – Jawor
19)	Waiver of Counsel/Request to Secure Counsel – Jawor
20)	To-From Report RE: Jawor Response
21)	To-From Report RE: Serve Witnesses
22)	Specific Questions to be Addressed – Wicencyjusz
23)	To-From Report RE: Wicencyjusz Witness Statement
24)	Specific Questions to be Addressed – Cabrera
25)	To-From Report RE: Cabrera Witness Statement
26)	In Car Video Systems – SO 03-05
27)	To-From Report RE: Inspect Microphones
28)	Complimentary History – PO Bongiovanni
29)	Disciplinary History – PO Bongiovanni
30)	Complimentary History – PO Jawor
31)	Disciplinary History – PO Jawor